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April 5, 2024

VIA ECF and E-Mail: Failla_NYSDChambers@nysd.uscourts.gov

Honorable Katherine Polk Failla
United States District Court
Southern District of New York

MEMO ENDORSED

Re: *Triston Mathew Fernandez. v. Todd Blumenthal, et al.*
Case No.: 1:23-cv-09534-KPF

Dear Judge Failla:

Our firm represents defendants Todd Blumenthal (“Blumenthal”), Brian Eng (“Eng”), Stephen Weafer (“Weafer”), and FirstService Residential formerly known as Tudor Realty Services Corp. (“FirstService”) (collectively, the “Building Defendants”). Pursuant to Rule 2(C)(i) of Your Honor’s Individual Rules of Practice, we write to request an adjournment of the Initial Pretrial Conference on April 23, 2024. After conferring with counsel for Local 32BJ, all defense counsel are available for the telephonic conference on: April 22 (10am-12pm), April 24 (10am-5pm), April 25 (10am-5pm), and April 26 (10am-5pm). Plaintiff has not responded with his availability.

The reason for the requested adjournment is that the undersigned is scheduled for outpatient surgery on April 23. We have requested Plaintiff’s and Defendant SEIU Local 32BJ’s (“Local 32BJ”) consent to an adjournment. Local 32BJ consents to our requested adjournment. Plaintiff has not responded, but we do not believe Plaintiff would be prejudiced by a brief adjournment.

This is the Building Defendants’ second request for an adjournment. The first request was made in connection with our request for additional time to respond to the Complaint, until April 8, 2024.¹ The first request was granted.

We thank the Court for its consideration of this request.

Respectfully submitted,

¹On April 8, 2024, the Building Defendants intend to file a letter-motion requesting a pre-motion conference on our anticipated motion to dismiss the Complaint.

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Application GRANTED. The Court wishes counsel a speedy recovery from her procedure. The conference scheduled for April 23, 2024 is hereby ADJOURNED to **April 25, 2024**, at **10:00 a.m.**

As before, the conference will be telephonic, and the dial-in information is as follows: At the scheduled date and time, the parties are to call (888) 363-4749 and enter access code 5123533.

The parties' obligation to file their joint pre-conference statement and proposed civil case management plan on or before **April 18, 2024**, remains unchanged. (Dkt. #9).

The Clerk of Court is directed to mail a copy of this endorsement to Plaintiff at his address of record. The Clerk of Court is further directed to terminate the pending motion at docket entry 20.

Dated: April 8, 2024
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE